

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JRFT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIE RILEY, JR.,

Respondent-Appellant,

and

YOLANDA SHANTIE TAYLOR,

Respondent.

UNPUBLISHED

May 27, 2003

No. 242949

Wayne Circuit Court

Family Division

LC No. 00-389348

In the Matter of JRFT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YOLANDA SHANTIE TAYLOR,

Respondent-Appellant,

and

WILLIE RILEY, JR.,

Respondent.

No. 243147

Wayne Circuit Court

Family Division

LC No. 00-389348

Before: Whitbeck, C.J., and White and Donofrio, JJ.

PER CURIAM.

Respondent father Willie Riley, Jr. appeals as of right from an order terminating his parental rights to the minor child JRFT pursuant to MCL 712A.19b(3)(b)(ii) and (g). Respondent mother Yolanda Shantie Taylor appeals as of right from the same order terminating her parental rights to JRFT pursuant to MCL 712A.19b(3)(b)(i), (g), and (i). We affirm. We decide these cases without oral argument pursuant to MCR 7.214(E)(1)(b).

I. Basic Facts And Procedural History

On May 23, 2002, the Wayne County FIA filed a petition seeking permanent custody of JRFT. The petition alleged, among other things, that (1) JRFT tested positive for cocaine after birth; (2) Taylor admitted to using cocaine during her pregnancy; (3) Taylor had a long history with the FIA involving her seven other children, none of whom resided in her care; (4) Taylor's parental rights to two of her children were terminated because of her neglect, abuse, failure to protect, instability, substance abuse, desertion, and failure to comply with the court-ordered treatment plans; (5) Taylor's remaining children were removed from her care and were temporary court wards; (6) Riley failed to visit, support, or protect his child; (7) Riley was aware of Taylor's history of taking illegal drugs and of her drug use during her pregnancy with JRFT; (8) Riley also neglected two of his other children and had significant child support arrearages; and (9) Riley had an extensive history of criminal behavior and substance abuse and was on probation.

The trial in this matter took place in July of 2002. Eric Taylor, a protective services worker, testified that he was assigned to the child's case. According to Eric Taylor, Taylor admitted that she had been drug-free for three months during her pregnancy while residing at a drug treatment shelter. After her release, she began using cocaine. She experienced contractions and delivered the child. Taylor had an extensive history of drug abuse and did not have custody of any of her other seven children. After the child was taken into temporary custody, Taylor only contacted Eric Taylor once in order to verify a court date. There was no treatment plan arranged for Taylor.

As to Riley, Eric Taylor testified that Riley knew of Taylor's drug abuse, but Riley never indicated that he took any steps to assist her in seeking drug treatment or prenatal care. Riley was in arrearages on the support of his other children. A treatment plan was compiled for Riley, but Eric Taylor did not take any steps to contact him. Eric Taylor recommended termination based on the fact that Taylor was not committed to getting any of her children and the fact that Riley was not even present at the proceedings.

Jeanine Eagling was the foster care worker on the child's case and also testified at trial. Eagling only had two contacts with Taylor, who was attempting to get verification from the court in order to qualify for Section 8 housing; Eagling had not had contact with Riley since the May 2002, pretrial. Each parent was mailed a copy of a treatment plan, but Eagling did not hear from either parent. Eagling could not say for certain whether Taylor ever received her plan, but did state that Taylor knew how to contact her. Although Riley was hoping for relative placement, there were no interested individuals in his family.

The trial court announced its decision to terminate the parents' parental rights at the close of the proofs. An order terminating the parental rights of Riley and Taylor was entered on July 18, 2002. Riley and Taylor now appeal as of right.

II. Standard Of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence.¹ If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests.² An appellate court reviews a trial court's decision to terminate parental rights under the clearly erroneous standard.³ A finding is clearly erroneous if, although there is evidence to support it, this Court is left with the definite and firm conviction that a mistake was made.⁴ The appellate court gives regard to the special ability of the trial court to judge the credibility of the witnesses before it.⁵

III. The Trial Court's Decision

We conclude that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.⁶ The evidence demonstrated that the child was born with cocaine in his system. Taylor admitted to drug use during her pregnancy, thereby causing physical harm to the child. Riley admitted that he knew of Taylor's drug use but did nothing to ensure that she received drug treatment or prenatal care. Thus, Riley was in a position to prevent physical harm to the child but failed to do so. Neither parent was able to provide the child with proper care or custody. While parent-agency agreements were prepared, neither parent ever attempted to contact the FIA workers to work toward reunification. Neither parent attended the termination hearing. The evidence also demonstrated that Taylor's parental rights to two of her other children were terminated because of serious neglect. Indeed, Taylor did not have custody of any of her eight children.

Additionally, the evidence did not show that termination of the parents' parental rights was clearly not in the child's best interests.⁷ The parents showed no initiative for reunification. There was no bond between the child and either parent in light of the fact that the child was made a temporary ward almost immediately after its birth.

Affirmed.

/s/ William C. Whitbeck

/s/ Helene N. White

/s/ Pat M. Donofrio

¹ *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

² MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

³ MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985).

⁴ *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989).

⁵ MCR 2.613(C); *In re Miller*, *supra* at 337.

⁶ MCR 5.974(I); *In re Miller*, *supra* at 337.

⁷ MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.